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ROBERT H. SHEPHERD, CLERK
WESTERN DISTRICT OF LOUISIANA

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

RAWLEIGH MILLER

CIVIL ACTION NO. 05-0393

VERSUS

JUDGE ROBERT G. JAMES

BURL CAIN, WARDEN

MAG. JUDGE JAMES D. KIRK

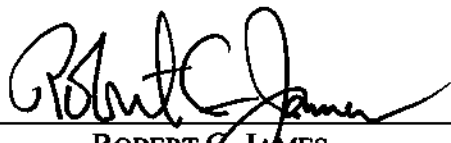
J U D G M E N T

The Report and Recommendation of the Magistrate Judge having been considered, together with the written objections thereto filed with this Court, and, after a *de novo* review of the record, finding that the Magistrate Judge's Report and Recommendation is correct and that judgment as recommended therein is warranted,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Petitioner's Claim 4 (Racial Discrimination in the Selection of Grand Jury Foreperson) be DENIED and DISMISSED WITH PREJUDICE as procedurally defaulted.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Petitioner's Claim 5(b) (Ineffective Assistance of Counsel) is DENIED and DISMISSED WITH PREJUDICE pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts.

THUS DONE AND SIGNED this 22 day of February, 2006, in
Monroe, Louisiana.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE